

Serial No. 10/054,257

Resp. to Off. Act. of Feb. 12, 2007

UTILITY PATENT

B&D No. TN -2239

and a screw engaging the upper blade guard for fixing the plate, wherein at least one of the upper blade guard and plate have a first tab disposed near the screw and extending outwardly and substantially perpendicularly to the at least one of the upper blade guard and plate, the first tab extending from the at least one of the upper blade guard and plate a first distance, the screw being required to be moved a second distance longer than the first distance in order to pivot the plate so that the lower blade guard contacts the screw upon rotation of the lower blade guard, wherein the lower blade guard contacts the screw upon rotation of the lower blade guard after the screw has been moved the second distance.

As admitted by the Examiner, Chen does not disclose the claimed first tab. The Examiner relies on Meredith to provide such first tab. However, Claim 13 requires more than just a first tab.

Claim 13 also requires that the lower blade guard can contact the screw upon rotation of the lower blade guard once the screw is moved to clear the first tab. As shown in FIG. 11 of Meredith, lower blade guard 42 cannot contact screw 69 regardless of the screw's position. Chen is necessarily silent on such feature as it does not have the first tab.

By contradistinction, Claim 13 requires "that the lower blade guard contacts the screw upon rotation of the lower blade guard, wherein the lower blade guard contacts the screw upon rotation of the lower blade guard after the screw has been moved the second distance." Being that such result is not taught or suggested by Chen and/or Meredith, the Chen/Meredith